

**MEMORANDUM OF AGREEMENT  
AMONG NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION,  
FEDERAL HIGHWAY ADMINISTRATION,  
AND THE  
NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE HAMPTON HARBOR BRIDGE PROJECT, X-A001(026), 15904,  
IN THE TOWNS OF SEABROOK AND HAMPTON, NH**

**WHEREAS**, the Federal Highway Administration (FHWA) plans to provide funds for the New Hampshire Department of Transportation (NHDOT) to replace the Neil R. Underwood Memorial Bridge over the Hampton Harbor Inlet in the towns of Seabrook and Hampton, New Hampshire (undertaking); and

**WHEREAS**, the undertaking consists of the replacement of the existing bascule bridge that carries NH 1A over the Hampton Harbor Inlet (Bridge No. 235/025) with a new high-level fixed structure on an alignment located to the west of the existing bridge; and

**WHEREAS**, FHWA has defined the undertaking's area of potential effects (APE) as properties north of the bridge along Ashworth Avenue; portions of the Hampton Beach State Park and adjacent residential streets; properties adjacent to Ocean Boulevard south of bridge; properties along River Street; and properties west across Hampton Harbor in both Seabrook and Hampton, NH (see Attachment A); and

**WHEREAS**, FHWA has determined that the undertaking will have an adverse effect on the Neil R. Underwood Memorial Bridge (NHDOT Bridge No. 235/025) which is eligible for listing in the National Register of Historic Places as an individual resource, and has consulted with the NHDOT and the New Hampshire State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

**WHEREAS**, FHWA has consulted with Kitty Henderson (Historic Bridge Foundation), Gary Bashline (resident), Kate Bashline (resident), and James Metcalf (Hampton Heritage Commission) regarding the effects of the undertaking on historic properties; and

**WHEREAS**, NHDOT has reached out to the Hampton Historical Society and has received input on the proposed mitigation; and

**WHEREAS**, NHDOT and FHWA committed to the long-term maintenance and preservation of the Neil R. Underwood Memorial Bridge in the 1994 MOA for the replacement of the Alexander Scammell Bridge over the Bellamy River in Dover, NH; and

**WHEREAS**, NHDOT and FHWA also committed to the long-term maintenance and preservation of the NH 1B Bridge over Little Harbor in the 1994 MOA for the replacement of the Alexander Scammell Bridge over the Bellamy River in Dover, NH; and



**WHEREAS**, NHDOT and FHWA have undertaken extensive maintenance of the Neil R. Underwood Memorial Bridge since the preparation of the 1994 MOA; and

**WHEREAS**, the deteriorated condition of the Neil R. Underwood Memorial Bridge now makes rehabilitation and long-term maintenance of the bridge infeasible; and

**WHEREAS**, there was no consulting party participation in the 1994 consultation for the replacement of the Alexander Scammell Bridge because this category of public participation didn't exist at the time; and

**WHEREAS**, in accordance with Stipulation V of the Scammell MOA, FHWA and NH SHPO solicited comments from the Advisory Council on Historic Preservation (ACHP) on how to address the stipulations in the Scammell MOA pursuant to 36 CFR Part 800.6(b); and

**WHEREAS**, ACHP has allowed that FHWA can proceed with a new Section 106 consultation for this activity given the passage of time and an updated purpose and need statement; and

**WHEREAS**, through consultation, FHWA, NHDOT and NH SHPO have identified new stipulations as noted below; and

**WHEREAS**, if the future rehabilitation or replacement of the NH 1B Bridge over Little Harbor results in an adverse effect under Section 106, additional stipulations will be identified for that project, and a separate MOA will be prepared; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

**NOW, THEREFORE**, FHWA, NHDOT and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

#### **STIPULATIONS**

FHWA/NHDOT shall ensure that the following measures are carried out:

- I. NHDOT will provide a Mitigation Coordinator to oversee and manage the implementation of the mitigation measures identified below. The Mitigation Coordinator will be familiar with Section 106 requirements and have at least two years project management experience.
- II. NHDOT will market the bridge for re-use in compliance with 23 USC Section 144. Marketing will occur for a period of thirty (30) days and will include advertising on the NHDOT website. Ownership transfer for the re-use of the bridge will require the use of restrictive preservation and maintenance covenants lasting for ten (10) years to ensure the



long-term protection of the character-defining features of the bridge. The award will be based on the applicant's plan for moving the historic bridge and the future use, which most satisfactorily meets the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." If there are no offers or proposals for use of the bridge by the end of the 30-day period, final bid and construction documents will be completed to specify demolition and disposal of the bridge.

- III. NHDOT will ensure that up to twenty (20) digital photos are taken of key features of the Neil R. Underwood Memorial Bridge by a 36 CFR 61-qualified architectural historian. These will include general views of all sides; detail views of significant features, including the traffic deck support system (if accessible); and abutment and approach details. The photos will be offered to the Town of Hampton's Lane Memorial Library and to the Hampton Historical Society as an addendum to the Individual Inventory Form, digitally (as TIFFs at 3000 x 4000 ppi) and in archival hard copy format (8"x10" printed at 300 dpi). They will also be submitted to NHDHR on continuation sheets to be appended to the Individual Inventory Form.
- IV. NHDOT will develop a kiosk with up to three (3) interpretive panels. The first panel will be devoted to the history and significance of the Neil R. Underwood Memorial Bridge, and its relation to other bascule bridges in the state. The second panel will focus on why the bridge was constructed, and the role it played in the history of the towns of Hampton and Seabrook, including the growth of tourism and the advent of the trolley. The third panel will describe how the bascule bridge functions and its mechanical components. The panels will include text, historic photographs of the bridge, and photographs of current conditions. NHDOT will determine if a weblink or QR code can be incorporated within the kiosk to link to additional information. The kiosk location will be determined during final design, however, it is anticipated it will be placed within NHDOT right-of-way north of the existing bridge and just south of State Park Road, near the existing Hampton Beach State Park sign and the sidewalk on the east side of Ocean Boulevard. The brass Neil R. Underwood Memorial Bridge plaque currently located on the bridge's operator house will be cleaned and displayed alongside the kiosk. The NHDOT will consult with DNCR-DPR on the final placement of the kiosk.
  - a. The content of the panels will be prepared by a 36 CFR 61-qualified architectural historian. The NH SHPO and the Hampton Heritage Commission will be provided an opportunity to review one (1) draft of the panels' content and layout with a review period of thirty (30) days. Upon approval of the panels, they will be fabricated and their installation will be coordinated with the bridge construction schedule.
  - b. If the Hampton Heritage Commission provides a template to NHDOT for the layout of the interpretive panels by June 1, 2022, NHDOT will use the template when designing the panels for the kiosk.
- V. NHDOT will prepare a mock-up of the layout for a new single-page webpage for the Hampton Historical Society's website related to the Neil R. Underwood Bridge and other historic bascule bridges in New Hampshire. The mock-up will include photos and introductory text describing the history of the bridge and key features. It will also introduce



and link to historical information compiled through the course of the project. This historical information may include, but is not limited to, the Individual Inventory Form for the bridge, contextual information from the Phase 1A Archaeological Assessment Survey, Historic Movable Bridge of New Hampshire, and digital copies of the kiosk panel layouts. Previous research material could also be augmented by additional images, including those that show the landforms over time. The materials will be provided to the Hampton Historical Society by NHDOT to post to their site. The Hampton Historical Society's webmaster will be responsible for creating the new tab within their website and maintaining the information. All material and text will be prepared by a 36 CFR 61-qualified architectural historian.

- a. The Hampton Historical Society and the NH SHPO will be provided the opportunity to review the mock-up with a review period of thirty (30) days. Upon approval of the website mock-up, NHDOT will provide the documentation to the Hampton Historical Society to upload and manage.

VI. NHDOT, through the Mitigation Coordinator, will support the production of three (3), three-to-seven-minute videos on various aspects of bascule bridges. The first video will address the bascule bridge function and its mechanical components, focusing on three locations: the Neil R. Underwood Memorial Bridge, the NH 1B Bridge over Little Harbor, and the Alexander Scammell Bridge. The second video will place these three bridges into the context of the history of the Seacoast, including the watershed; early history; natural, economic, and social development; and maritime uses. The final video will focus exclusively on the Neil R. Underwood Memorial Bridge, its history and significance within the Towns of Hampton and Seabrook. The video content may include current and historical still images, video from the three bridge locations and surroundings, and short interviews. Any new video footage will be taken by a professional videographer. DVDs of these videos will be provided to NHDHR for their records.

- a. A Storyboard for each video will be developed by a 36 CFR 61-qualified architectural historian working in cooperation with a graphic designer/videographer. The video content will be drawn from current and historic maps and photos, documentation collected and/or prepared throughout the life of the project, interviews, and other video footage taken by a professional videographer to provide a cohesive product.
- b. NHDOT will host one 90-minute formal public opening event to include a screening of the videos and a question-and-answer session facilitated by a 36 CFR 61-qualified architectural historian. The event will be planned and facilitated by NHDOT with the potential for panel discussion. The location, timing, and venue (in-person or virtual) will be determined by NHDOT during the event planning. NHDOT will partner with the NH Preservation Alliance to publicize the event.
- c. NHDOT will post the videos online and make them available for broadcast on interested television and social media channels including:



- i. Public access Hampton Channel 22 and other opportunities for televised broadcast
  - ii. YouTube (potentially including the NHDHR, New Hampshire Humanities, and New Hampshire Preservation Alliance Channels)
  - iii. NH historical society websites (Hampton Historical Society, New Castle Historical Society, with others upon request by the society)
  - iv. NHDHR website
- d. NHDOT will develop a distribution plan and an information packet for other interested organizations to reference and follow in order for them to host an independent screening event and/or promote the videos. The information packet will include guidance on hosting an event related to these videos. The distribution plan will identify organizations that will be notified of the availability of the information packet. The Mitigation Coordinator will be available to answer questions and provide direction for one year following the initial public viewing.

**VII. DURATION**

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XIII below.

**VIII. POST-REVIEW DISCOVERIES**

If previously unidentified archaeological resources are discovered during project construction that may be affected by the undertaking, NHDOT shall notify the signatories of the discovery and cease all work at that location until NHDOT and SHPO have been consulted and a process agreed upon.

**IX. MONITORING AND REPORTING**

Each year following the execution of this MOA until it expires, is terminated or stipulations completed, NHDOT shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FHWA's efforts to carry out the terms of this MOA.

**X. DISPUTE RESOLUTION**

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If the FHWA determines that such objection cannot be resolved, FHWA will:

- a. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed

according to its final decision.

- b. If the ACHP does not provide its advice regarding the dispute within the thirty (30)-day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- c. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

#### **XI. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

#### **XII. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by FHWA, NHDOT and NH SHPO and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.




**SIGNATORIES**

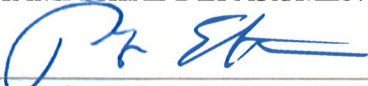
**FEDERAL HIGHWAY ADMINISTRATION**

By: LEIGH I LEVINE Digitally signed by LEIGH I LEVINE  
Date: 2022.02.03 14:34:24 -05'00' Date: \_\_\_\_\_  
for - Patrick A. Bauer  
NH Division Administrator

**NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES**

By:  Date: 1/26/2022  
Nadine Miller  
Deputy State Historic Preservation Officer

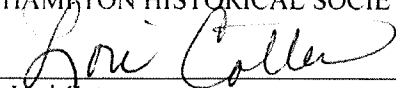
**NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION**

By:  Date: 2/2/2022  
Peter Stamnas  
Director of Project Development

**INVITED SIGNATORIES**

THE HAMPTON HISTORICAL SOCIETY

By:



Lori Cotter  
President

Date:

Nov. 8, 2021



NEW HAMPSHIRE PRESERVATION ALLIANCE

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Jennifer Goodman  
Executive Director